



NEW YORK STATE SENATOR

Andrew J. Lanza

Senator Lanza Announces Landmark Domestic Violence Law to be Enacted

ANDREW J LANZA June 19, 2012

| ISSUE: **DOMESTIC VIOLENCE**



Bill Represents Three-Way Agreement

The New York State Senate recently passed legislation that will protect victims of domestic violence and establish stronger criminal penalties to punish individuals who commit acts of domestic violence.

The bill ([S7638](#)), sponsored by Senator Andrew Lanza and Steve Saland, represents a three-way agreement among the Senate, Governor Cuomo and the Assembly. It includes several important provisions included in bills that have already passed the Senate this year, such as bail reforms and increased penalties for domestic violence crimes. Senator Lanza has

been working on this legislation for the past several years with Staten Island District Attorney Dan Donovan who has been a tireless advocate in protecting the rights of domestic violence victims.

“Victims of domestic violence deserve to know that law enforcement officials have all the tools they need to protect people from abusive partners,” Senator Andrew Lanza (R-I, Staten Island) said. “This legislation is a major step forward in the fight to end domestic violence, helping to discourage these horrible crimes and provide more appropriate punishment when they occur. I thank Senator Saland for his commitment to this important issue which impacts so many New York families.

HIGHLIGHTS OF COMPREHENSIVE DOMESTIC VIOLENCE BILL

- > Establishes within the Office for the Prevention of Domestic Violence a domestic violence fatality review team to examine factors involved in domestic violence homicides and suicides and make recommendations.
- > Expands factors courts must consider when determining recognizance or bail for domestic violence crimes. The court must consider and take into account any prior violations of orders of protection and the defendant’s history of use or possession of a firearm.
- > Prohibits a person who was served with an order of protection or arrested or charged in the death of a decedent from controlling the person’s remains.
- > Creates a new crime of Aggravated Family Offense committed when one commits a “specified offense” and has been convicted of one or more such offenses within the immediately preceding five years. Aggravated Family Offense is a Class E felony. The victim does not have to be the same person or member of the same family or household.
- > Among the crimes considered to be a "specified offense" are the following: Assault; Menacing; Reckless Endangerment; Stalking; Strangulation; Manslaughter; Murder; Sexual Misconduct; Rape; Sexual Abuse, Unlawful Imprisonment; Burglary; Predatory Sexual Assault of a Child; and Harassment.
- > Increases the crime of Harassment from a violation to a Class A misdemeanor, where the defendant and victim are members of the same family or household;
- > Allows a victim of domestic violence to request an alternative mailing address, telephone number or other contact information to receive specific health claim and billing information.

The bill was sent to the Assembly.

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